

Note for Lattanzio, Ted

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Waxman
2/3/94*

From: Boland, James
Date: Wed, Feb 2, 1994 11:50 AM
Subject: Waxman -Smoke Free Env. hearing
To: Collamore, Thomas; Fuller, Craig; Irastorza, ...; Linehan, Kathleen; Nicoli, David; Parrish, Steve

FYI - Just got word that Waxman staff are calling corporations asking them to support his smoking ban legislation. My information came as a result of a call to Sears. At the hearing next Monday, 2/7, we should expect a list of companies like ARBY's restaurants to announce support and voluntary bans. Additionally EPA is reported to be putting together a one of its voluntary corporate programs, like its green lights partners, on smoking bans. In these programs, companies sign an agreement with EPA promising to adopt and adhere to specific EPA recommended policies. I wouldn't be surprised if an EPA voluntary program on smoking policies is announced at the hearing.

The only witnesses expected are EPA Administrator Browner, Surgeon General Elder, and Dr. Koop. Another former Surgeon General may come but has not yet been identified or accepted. Charlie Whitley and Dr. Larry Holcomb will testify on behalf of TI. Suggested questions have already been forwarded to minority counsel and Bliley's office. However, it is more than likely that Bliley will be the only friendly member there for the entire hearing. McMillan is expected to come to make an opening statement but probably won't stay very long. There is little doubt that the atmosphere of the hearing will be like an anti-smoking press conference with heavy emphasis on ETS/Youth.

Our real effort in countering what will be a concerted Waxman push for his legislation will be in providing written comments for the record on alternative smoking accommodation strategies by NEMI and other IAQ specialists, an effort to have a simple stand alone IAQ bill mandating OSHA action on IAQ, and lobbying by our allies in organized labor of select members of the subcommittee as well as ourselves. If OSHA does announce action as expected, this may prevent Waxman from gaining momentum. However, Waxman will continue to exploit the issue of ETS and kids - and point out that not even the tobacco industry challenges the science. The minority has been advised that there will be a second hearing on the the Waxman legislation later in the spring. Quite likely, the next hearing will be scheduled around the release of the Surgeon General reports - the FIRST report is "YOUTH AND SMOKING" which is now targeted to be released on 2/24/94 (but available to credentialed press on 2/23/94) and is described by our sources as encyclopedic in nature, dealing with every conceivable issue including ETS; the SECOND report is an update of the Surgeon General's "HEALTHY PEOPLE 2000" which is focused on IAQ which will also deal with ETS.

The scope of the second hearing is unknown - it could be expanded to include Waxman's tobacco regulation bill, but a potential effort to link the issues to health care reform should not be dismissed. I will keep you posted.

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